

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ANA M. RIVERA,

Plaintiff,

v.

TEEN MANIA MINISTRIES, INC., et al,

Defendants.

Civil Action No. 12-2839
(SDW)

OPINION

January 15, 2013

WIGENTON, District Judge.

Before the Court is Defendant New Jersey Sports & Exposition Authority's Motion to Dismiss ("Motion") pursuant to Fed. R. Civ. P. 4(m) contending that the Summons and Complaint were not served within 120 days after being filed.

This Court has jurisdiction pursuant to 28 U.S.C. § 1332. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b). This Motion is decided without oral argument pursuant to Fed. R. Civ. P. 78. This Court, having carefully considered the submissions and arguments of the parties, DENIES the Motion.

FACTUAL AND PROCEDURAL HISTORY

Plaintiff filed her Complaint on April 13, 2012 in the Southern District of New York. On May 11, 2012, the case was transferred from the Southern District of New York to the District of New Jersey. Because Plaintiff's counsel was not licensed to practice law in New Jersey, Plaintiffs' counsel sought and obtained an extension of time in which to serve Defendants by September 16, 2012. On September 13, 2012, after not receiving a response from Defendant New Jersey Sports & Exposition Authority, Plaintiff's counsel sought and obtained an additional

extension in which to serve Defendants by November 8, 2012. Defendant New Jersey Sports & Exposition Authority was served on October 3, 2012.

ANALYSIS

The Court does not find Defendant New Jersey Sports & Exposition Authority's Motion to Dismiss persuasive. First, Plaintiff served the Summons and Complaint within the timeframe authorized by the Court. See Fed. R. Civ. P. 4(m) (stating, in pertinent part, that "if the plaintiff shows good cause for the failure [to serve defendant within 120 days after the complaint is filed], the court must extend the time for service for an appropriate period"). Secondly, Defendant New Jersey Sports & Exposition Authority does not demonstrate any prejudice resulting from the delay in service. Lastly, based on the circumstances in this case, this Court finds that Plaintiff's reasons for delay are sufficient and reasonable.

CONCLUSION

For the reasons stated above, Defendant's Motion to Dismiss is **DENIED**.

s/Susan D. Wigenton, U.S.D.J.

cc: Madeline Cox Arleo, U.S.M.J.